

Nebraska Supreme Court Rule Regarding Use of Standardized Model
for Delivery of Substance Abuse Services

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Substance abuse evaluations and treatment referrals for adult felony drug offenders ordered by the courts of the State of Nebraska, or by judges presiding over non-probation-based programs or services such as a drug court or other similar specialized programs as defined herein, shall comply with the minimum standards established by the Standardized Model for Delivery of Substance Abuse Services as promulgated by the Nebraska Supreme Court Office of Probation Administration, set forth in Appendix A of this rule, if all or any portion of the cost for such evaluation or treatment referral is reimbursed by funds provided pursuant to Neb. Rev. Stat. § 29-2262.07 or state funds appropriated to the Community Corrections Council for substance abuse treatment which is made available by the Council to Probation Administration. Nothing in this rule shall preclude an offender from obtaining, at his or her own expense, additional substance abuse evaluations or treatment referrals which may or may not comply with the minimum standards referred to herein.

For purposes of this rule, non-probation-based programs and services shall mean those programs and services defined and authorized by Neb. Rev. Stat. §§ 29-2246(12) and 29-2252(16) which are operating pursuant to an interlocal agreement with state probation.

The Supreme Court recommends the use of the Standardized Model for all other offenders in Nebraska courts when substance abuse evaluations and treatment referrals are ordered.

Adopted by the Nebraska Supreme Court November 30, 2005, to be effective January 1, 2006.

Nebraska Supreme Court Rule Regarding Use of Standardized Model
for Delivery of Substance Abuse Services

Standardized Model for Delivery of Substance Abuse Services
Appendix A

I. Policy:

The Standardized Model for Delivery of Substance Abuse Services for juvenile and adult probation clients is used to recognize the connection between substance abuse and crime and address it effectively through treatment. Reliable data indicates that treatment, even coerced treatment, works. It is the intent of the Administrative Office of Probation (hereinafter Probation Administration) to provide a meaningful opportunity for offender rehabilitation in an effort to reduce recidivism, promote good citizenship, and enhance public safety. It is the Chief Probation Officer's responsibility, as well as that of the Intensive Supervision Probation (hereinafter ISP) Coordinator and the Drug Court Coordinator, to ensure that communication between probation officers and providers be consistent, open, and focused on criminogenic risk and need factors that, when reduced, will improve the offender's ability to live a productive and crime-free life.

Each probation district officer, under the direction of the Chief Probation Officer; each ISP Officer, under the direction of the ISP Coordinator; and each Drug Court Officer, under the direction of the Drug Court Coordinator, shall maintain an updated Registered Substance Abuse Providers List which shall be provided by and maintained in the office of Probation Administration.

II. Definitions:

For purposes of the Standardized Model for Delivery of Substance Abuse Services, the following definitions shall apply:

Case Manager — Working under the general supervision of the Chief Probation Officer, this is a highly responsible support staff position. The work involves managing and coordinating activities associated with the supervision of administrative and low-risk probation cases.

Chief Probation Officer — A Probation Administration administrative and supervisory employee appointed by the Probation Administrator pursuant to Neb. Rev. Stat. § 29-2253(3) and (4) who is charged with the management of a probation district or assigned ISP region.

Drug Court Coordinator — A Probation Administration employee appointed via an interlocal agreement as authorized by Neb. Rev. Stat. § 29-2252(16) and who reports directly to the Chief Probation Officer of the district.

Drug Court Officer — A Probation Administration employee appointed via an interlocal agreement as authorized by Neb. Rev. Stat. § 29-2252(16). This person is charged with the responsibility of case management for adult and juvenile offenders and reports directly to the Drug Court Coordinator of the district.

ISP Coordinator — A supervising probation officer employed by Probation Administration who is responsible for the daily operation of the ISP unit within the respective ISP region. The ISP Coordinator reports directly to the ISP Chief Probation Officer of the region.

ISP Officer — This position has the same statutory responsibilities and authority as a traditional probation officer and is primarily responsible for the case management of high-risk offenders placed on Intensive Supervision Probation. The ISP Officer reports directly to the ISP Coordinator.

Nebraska Supreme Court Rule Regarding Use of Standardized Model for Delivery of Substance Abuse Services

Probation Officer — This position routinely engages in performing a wide variety of investigatory and supervisory responsibilities involving offenders. Probation Officers have the authority to arrest and detain offenders as provided by Neb. Rev. Stat. § 29-2266 (2) and (3).

Registered Substance Abuse Provider (Registered Provider) — An individual or agency with a clear understanding of the Standardized Model which (1) agrees to adhere to all elements of this Model; (2) holds a valid license, which includes within its scope of practice the ability to administer substance abuse evaluations and/or treatment; (3) meets the basic educational requirements set forth at Section III. F(2) of this Model; and (4) registers its services with and is approved by Probation Administration.

Registered Substance Abuse Providers List — An up-to-date list of Registered Substance Abuse Providers maintained by Probation Administration.

III. Procedures:

A. Screening Assessment

The **Simple Screening Instrument (SSI)** (Attachment 1) is an assessment tool used to determine the presence of a current substance abuse problem and identify the need for further evaluation. The SSI is effective for adults and juveniles; is highly sensitive and detects all substances; and requires 10 to 15 minutes for completion.

The SSI shall be utilized by probation officers or designated staff to screen offenders for alcohol and other drug abuse (AOD) as a stand-alone assessment or in combination with Probation's computerized assessment screening.

1. The SSI shall be administered face-to-face by a trained probation officer or case manager.
2. The SSI shall be completed in conjunction with the presentence investigation (PSI) or predisposition investigation (PDI) as part of the body of the investigation. It shall be incorporated into the "Drugs and Alcohol" section of the investigation. A copy of the SSI shall be attached to the investigation.
3. If a chemical dependency issue is suspected and no PDI or PSI is ordered, the probation officer/case manager shall administer the SSI and use the results as a screen for further evaluation, referral, or modified order of probation.
4. The SSI shall be utilized as a tool of case management guiding the probation officer/case manager regarding the need for referral for a substance abuse service.
5. If the court orders a substance abuse evaluation prior to a **Simple Screening Instrument (SSI)** (Attachment 1) and **Standardized Risk Assessment Reporting Format for Substance Abusing Offenders (SRARF)** (Attachment 2) being completed, these instruments shall be administered for data purposes in conjunction with a referral for an evaluation. In the event the court has already ordered and received a completed substance abuse evaluation, a SSI shall still be completed for case management purposes.
6. Administration of the SSI:
 - Explain purpose to client.
 - Ask questions in a straightforward manner.
 - Probe, listen, and empathize.
 - Pause between questions; allow time to discuss when appropriate.
 - Generally, adhere to the exact wording.

Nebraska Supreme Court Rule Regarding Use of Standardized Model
for Delivery of Substance Abuse Services

- Feedback responses to offender when appropriate.
 - Don't "lead" offender into answers.
7. Scoring the SSI:
- DO NOT score questions #1 and #15 - too general.
 - DO NOT score questions #17 and #18 - gambling. *
 - DO NOT score observational items.
 - Persons with AOD problems will usually score 4 or higher -- refer for substance abuse evaluation.
 - Score of less than 4 does not rule out an AOD problem; use observations to assist with decision to refer for substance abuse evaluation.

* If either #17 or #18 on the SSI is answered "Yes," refer for gambling evaluation.

B. Risk Assessment

The **Standardized Risk Assessment Reporting Format for Substance Abusing Offenders (SRARF)** is used to give treatment providers an indication of the offender's risk of re-arrest.

The probation officer/case manager will use his or her professional judgment and information gleaned from other Probation risk assessment tools (OSW, Risk/Needs) to complete the SRARF.

1. The probation officer/case manager shall record on the SRARF the relative level of risk of re-arrest posed by the offender as either low, medium, or high.
2. Special concerns, comments, or complicating factors important to the provider's understanding the offender's current risk shall be documented, for example, sexual assault on a 3-year-old, 2nd offense DUI but really is the 3rd, family member's death.

C. Evaluation Referral and Confidentiality

To ensure consistent and accurate diagnoses and recommendations for treatment and to formalize information-sharing between the justice system and substance abuse providers, all referrals for substance abuse evaluations shall be made to a Registered Provider who is chosen by the offender from the Registered Substance Abuse Providers List.

1. When referring an offender for a substance abuse evaluation, a **Referral for Substance Abuse Evaluation Form** (Attachment 3) shall be completed and signed by the offender. This affords a preliminary release to the Registered Provider concerning the need for collateral information from the Probation office. A copy of this form shall be retained in the offender's probation file.
2. The probation officer shall provide upon request of the offender's agency of choice (Registered Substance Abuse Providers List) collateral information concerning the results of the SSI, the SRARF, the prior offense record, and BAC (Blood Alcohol Content) if applicable.
3. After a Registered Provider has been selected by the offender, probation officers shall ensure a release of information has been signed and remains on file during the period an offender is under presentence investigation, is on probation, is involved in non-probation-based services/programs and being supervised by a probation officer, or remains in treatment.

Nebraska Supreme Court Rule Regarding Use of Standardized Model
for Delivery of Substance Abuse Services

D. Evaluations

Only substance abuse evaluations in compliance with the Standardized Model shall be received by the Probation office. Pursuant to the Standardized Model, each substance abuse evaluation received shall be completed and signed by a Registered Provider, who, within his or her scope of practice, is permitted to conduct substance abuse evaluations and has agreed to adhere to all elements of Nebraska's Standardized Model. All Registered Providers shall use the **Nebraska Standardized Reporting Format for Substance Abuse Evaluations for all Justice Referrals** (Attachment 4).

1. Substance abuse evaluations not adhering to this format shall be reported to your direct supervisor, Chief Probation Officer, ISP Coordinator, or Drug Court Coordinator to determine whether referral to Probation Administration is necessary.
2. A **Registered Substance Abuse Providers List** shall be provided by and maintained in the office of Probation Administration. It is the responsibility of the district to obtain and maintain up-to-date copies. Chief Probation Officers, ISP Coordinators, and Drug Court Coordinators are expected to provide input to Probation Administration concerning the addition and/or deletion of local providers to the Registered Substance Abuse Providers List.
3. As determined by Probation Administration, certain offenders may be eligible for payment of their evaluations via the Fee for Service Voucher Program as long as the referring probation officer receives supervisory approval and a Registered Provider is utilized for this service.

E. Treatment

To ensure that programs serving substance abusing offenders are meeting minimum standardized levels of care, probation officers/case managers shall refer such offenders to Registered Providers who have agreed to adhere to these levels of care. It is critical that levels of care are consistent with and linked to criminogenic risk and need factors.

1. Probation officers/case managers shall refer offenders for substance abuse services pursuant to either the **Substance Abuse Services for Adult Criminal Justice Clients Continuum of Care** (see Attachment 5) or the **Substance Abuse Services for Juvenile Justice Clients Continuum of Care** (Attachment 6).
2. When referring an offender for substance abuse treatment, a **Referral for Substance Abuse Evaluation Form** shall be completed by the probation officer and signed by the offender. This affords a preliminary release (if necessary) for the Registered Provider to obtain collateral information from the Probation office. A copy of the form shall be retained in the offender's probation file.
3. The probation officer shall provide upon request of the offender's agency of choice (Registered Substance Abuse Providers List) collateral information concerning the results of the SSI, the SRARF, the prior offense record and BAC (Blood Alcohol Content) if applicable.
4. After a Registered Provider has been selected by the offender, probation officers shall ensure a release of information has been signed and remains on file during the period of time an offender is under a presentence investigation or under supervision.
5. A Registered Substance Abuse Providers List shall be provided by Probation Administration. It is the responsibility of the district/region to obtain and maintain up-to-date copies. Chief Probation Officers are expected to provide input to Probation Administration concerning the addition and/or deletion of local providers to the Registered Provider list.

Nebraska Supreme Court Rule Regarding Use of Standardized Model
for Delivery of Substance Abuse Services

6. As determined by Probation Administration, certain offenders may be eligible for payment of their treatment via the Fee for Service Voucher Program as long as the referring probation officer receives supervisory approval and a Registered Provider is utilized for this service.

F. Registered Providers

Probation shall consider for registration only those individuals or agencies who have a clear understanding of the connection between substance abuse and criminal offending and meet the following criteria:

1. Registered Providers must hold a valid license that includes in its scope of practice the ability to administer substance abuse evaluations and/or treatment.
2. Registered Providers must have completed an approved basic education course regarding criminogenic factors contributing to an offender's law violating behavior and participate in 12 continuing education hours every 2 years following. A curriculum list and further information regarding the basic education course requirements shall be available through Probation Administration and the Judicial Branch Web site.
3. Registered Providers must have an understanding of the model process and agree to the requirements of the **Standardized Model for Substance Abuse Services** for probation clients to include:
 - The Simple Screening Instrument (SSI)
 - The Standardized Risk Assessment Reporting Format for Substance Abusing Offenders (SRARF)
 - The Nebraska Standardized Reporting Format for Substance Abuse Evaluations for all Justice Referrals
 - Substance Abuse Services for Adult Criminal Justice Clients Continuum of Care
 - Use The Addiction Severity Index (ASI) for adult offenders or the Comprehensive Adolescent Severity Inventory (CASI) for juvenile offenders to assist in appropriate data collection and objective placement level of treatment recommendations
 - Use a validated assessment tool developed and approved for assisting in the diagnosis of addiction
 - Use the Nebraska Standardized Reporting Format for Substance Abuse Evaluation
 - Register their services prior to delivery in a database and provide data from those services in accordance with all confidentiality requirements
 - Provide services in accordance with defined levels of care and minimum standards
4. Registered Providers may be entitled to a direct payment for delivery of a substance abuse service depending on the eligibility of the offender referred for service. The criteria for offender eligibility are determined by Probation Administration and payment for services is coordinated through the Fee for Service Voucher Program.
5. Providers may register their services, at no cost, with Probation Administration's office. Application forms and a complete listing of Registered Providers will be posted on the Judicial Branch Web site.

G. Special Considerations

When a probation officer/case manager receives and finds an evaluation or recommendation to be inconsistent or lacking information (criminal history, prior evaluation or treatment, drug testing self-report, other collateral, etc.) and/or fails to address other criminogenic risk factors, he or she shall:

Nebraska Supreme Court Rule Regarding Use of Standardized Model for Delivery of Substance Abuse Services

1. Call the Registered Provider to discuss missing or conflicting information.
2. Inquire of the Registered Provider whether the new or missing information changes the evaluation/recommendation.
3. Bring any unresolved discrepancies to the court's attention with a recommendation for a subsequent evaluation.

H. Data Collection

Data collected through the SSI and SRARF provides an understanding of Nebraska's substance abusing population. Probation staff will enter SSI and SRARF data into the Nebraska Criminal Justice Information System (NCJIS) and the Nebraska Probation Management Information System (NPMIS). NCJIS and NPMIS are currently not integrated data systems, and therefore, data entry is necessary in both systems.

1. Probation officers/case managers or designated staff shall enter online SSI and SRARF data directly into NCJIS.
2. Probation officers/case managers or designated staff shall capture SSI scores and SRARF risk levels and submit to a support staff person designated by the Chief Probation Officer, ISP Coordinator, or Drug Court Coordinator for data collection or entered directly by a probation officer into NPMIS.
3. Upon the completion of a substance abuse evaluation, the following information shall be entered into NPMIS (under the "Model" tab) by probation officers/case managers or designated staff:
 - the date completed
 - ideal level of care
 - available level of care

I. Training

Through the Administrative Office of Courts/Probation, training for probation officers/case managers is required concerning basic and continuing education pertaining to substance abuse, the Standardized Model, and instruments utilized, in order to properly assess and supervise offenders under Probation's authority. All probation officers/case managers shall:

- Understand the policies and procedures associated with the Standardized Model.
- Be trained on the principles of criminogenic risk and need factors (to include but not limited to criminal thinking and motivational interviewing).
- Be trained on the nature of substance abuse addiction in adults and juveniles during the first year of employment (35 hours required). Subsequent yearly training (8 hours) to include, but not limited to, relapse prevention, strength-based treatment principles, and American Society for Addiction Medicine (ASAM) criteria.
- Understand the operation of the Nebraska Substance Abuse Service Delivery System.
- Be trained on the Standardized Model, the process and tools utilized, to include:
 - Administration of the Simple Screening Instrument (SSI)
 - Administration of the Standardized Risk Assessment Reporting Format for Substance Abusing Offenders (SRARF)
 - Nebraska Standardized Reporting Format for Substance Abuse Evaluations for all Justice Referrals
 - Understanding the Addiction Severity Index (ASI) and Comprehensive Adolescent Severity Inventory (CASI)

Nebraska Supreme Court Rule Regarding Use of Standardized Model
for Delivery of Substance Abuse Services

- Standardized Levels of Care Continuum for Substance Abuse Services for Juvenile and Adult Criminal Justice Clients
- Understand the incorporation of the Standardized Model into the presentence investigation and case management.
- Understand the proper use of NCJIS and NPMIS concerning data collection associated with the Standardized Model.

Attachments:

- [Attachment 1](#) — Simple Screening Instrument (SSI)
- [Attachment 2](#) — Standardized Risk Assessment Reporting Format for Substance Abusing Offenders (SRARF)
- [Attachment 3](#) — Referral for Substance Abuse Evaluation Form - General Letter to Providers
- [Attachment 4](#) — Nebraska Standardized Reporting Format for Substance Abuse Evaluations for all Justice Referrals
- [Attachment 5](#) — Substance Abuse Services for Adult Criminal Justice Clients Continuum of Care
- [Attachment 6](#) — Substance Abuse Services for Juvenile Justice Clients Continuum of Care